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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,530	04/24/2001	David B. Wheeler	800528	9716

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EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT PAPER NUMBER

2132

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,530

Applicant(s)

WHEELER ET AL.

Examiner

Venkatarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) ~~1-14, 16-25 and 27-31~~ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-25 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/24/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., similarity matching are not recited in the rejected claims). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1 181, 26 USPQ2d 1057 (Fed. Cir. 1993).
2. The Applicant's arguments regarding Claim 1, 16, and 27 are not persuasive as Chapman does suggest of the identity attribute used to determine if the new user has been involved in fraudulent activities see Col 1 Ln 21-38. As Chapman discloses the permanently removing of the user from the file. And further the Applicant's arguments regarding the access and attribute information being entered once is suggested by Chapman, as he discloses the creation of etc/passwd file which contains the information about the users and need not be reentered see Col 4 Ln 16-26. Applicant's arguments regarding reference not containing a denied-users identity profile data is misplaced as Chapman does show a denied-users identity profile data see Col 6 Ln 58-64 and also the Chapman discloses the checking of account information to look for a match see Col 5 Ln 30-41. Applicant's arguments regarding determining a positive or negative match data and list of suspended users and allowing if the match is

negative and denying access if match is positive is disclosed by Chapman see Col 6 Ln 56- Col 7 Ln 6.

3. The Applicant's arguments regarding Claim 16 are not persuasive as Chapman in combination with Brown does show of a secondary review process for verification see Brown Col 14 Ln 8-22.
4. The Applicant's arguments regarding claim 27 are not persuasive as Chapman discloses the adding of new user identity to valid user database based determined negative match, and adding of new user identity to denied user database determined positive match see Col 4 Ln 13-22 & Col 6 Ln 23-35 & Col 6 Ln 56-64.
5. The Applicant's arguments regarding claim 5-11, 13, 20-24 are not persuasive as Chapman in combination with Brown discloses the first match tolerance level see Col 13 Ln 27-30. Brown disclose the second tolerance level Col 14 Ln 14-21. And further the checking to see if first tolerance level is exceeded see Col 13 Ln 27-30; the checking to see if the second tolerance level is exceeded see Col 14 Ln 14-17.
6. For citations of 35 USC § 102(b) and 103(a) codes please consult previous non-final office action.

Response to Amendments

7. Claim 1-4,12,14,16-19,25,27 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5774650 to Chapman et al.
8. Regarding Claim 1, The "receiving at least one identity attribute from the new-user" is met by Chapman et al. see Column 1 Line 17-20. Chapman et al. further discloses similarity searching against an list and receiving an result of the search and based on the result the user is given access or denied access to the computer system see Column 6 Line 58-63.
9. Regarding Claim 2, Chapman et al. discloses the use of user profile see Column 5 Line 65- Column 6 Line 3.
10. Regarding Claim 3 and 4, Chapman et al. discloses a database of unauthorized user information that is used to compare against the user information see Column 6 Line 58- Column 7 Line 6.
11. Regarding Claim 12, Chapman et al. discloses having a list containing valid users that has accounts added (see Column 4 Line 13-22) where there is a match (Column 6 Line 23-25). Chapman et al. further discloses having a list of denied users that has accounts added where there is a match (Column 6 Line 56-64).

12. Regarding Claim 14, Chapman et al. discloses the use of hierarchical document for storage of denied user see Column 6 Line 65- Column 7 Line 3.

13. Regarding Claim 16, The "receiving at least one identity attribute from the new-user" is met by Chapman et al. see Column 1 Line 17-20. Chapman et al. further discloses similarity searching against an list and receiving an result of the search and based on the result the user is given access or denied access to the computer system see Column 6 Line 58-63. Chapman et al. further discloses having a list containing valid users that has accounts added (see Column 4 Line 13-22) where there is a match (Column 6 Line 23-25), having a list of denied sers that has accounts added where there is a match(Column 6 Line 56-64).

14. Regarding Claim 17, Chapman et al. discloses the use of user profile see Column 5 Line 65- Column 6 Line 3.

15. Regarding Claim 18 and Claim 19, Chapman et al. discloses a database of unauthorized user information that is used to compare against the user information see Column 6 Line 58- Column 7 Line 6.

16. Regarding Claim 25, Chapman et al. discloses the use of hierarchical document for storage of denied user see Column 6 Line 65- Column 7 Line 3.

17. Regarding Claim 27, The "receiving at least one identity attribute from the new-user" is met by Chapman et al. see Column 1 Line 17-20. Chapman et al. further discloses similarity searching against an list and receiving an result of the search and based on the result the user is given access or denied access to the computer system see Column 6 Line 58-63. Chapman et al. further discloses having a list containing valid users that has accounts added (see Column 4 Line 13-22) where there is a match (Column 6 Line 23-25), having a list of denied users that has accounts added where there is a match(see Column 6 Line 56-64).

18. Regarding Claim 28 and 29 are rejected under the same rationale as Claim 1 and 16 respectively.

Claim Rejections - 35 USC § 103

19. Claim 5-11 , 20-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al. in view of U.S. Patent No. 6026398 to Brown et al.

20. Regarding Claim 5, Chapman et al. fails to disclose comparing similarity result to a first match tolerance level. However, Brown et al. discloses comparing the result to a weights see Column 13 Line 1-4. It would be obvious to one having ordinary skill in the art at the time of the invention to modify comparing the result

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to a weight function in Brown et al. to a first match tolerance level so as to provide for accurate match and to determine how close is the match see Column 13 Line 21-26.

21. Regarding Claim 6 and Claim 7, Chapman et al. does not disclose match being positive when there is match exceeds tolerance level, and being negative when the match is does not exceed tolerance level. However, Brown et al. discloses the match being "close" when the weight is greater and not "close" when the weight is not greater see Column 13 Line 27-30. It would 'be obvious to one having ordinary skill in the art at the time of the invention to modify a function of match being close" when the weight is greater in Brown et al. to a positive and negative in order to provide for an accurate measurement of closeness see Column 13 Line 21-26.

22. Regarding Claim 8, Chapman et al. does not discloses where an positive match has been found, verifying via a secondary review. However, Brown et al. discloses having a after an match has been secondary review to verify the match see Column 14 Line 8-14. It would be obvious to one having ordinary skill in the art at the time of the invention to include having a after an match has been secondary review to verify the match in order to further increase the likelihood of an match see Column 14 Line 17-21.

23. Regarding Claim 9, Chapman et al. does not disclose comparing the result of secondary to a second tolerance match level. However, Brown et al. discloses comparing the results of a secondary review to a second tolerance match level see Column 14 Line 14-17. It would be obvious to one having ordinary skill in the art at the time of the invention to include comparing the results of a secondary review to a second tolerance match level in order to further increase the likelihood of an match see Column 14 Line 17-21.

24. Regarding Claim 10 and Claim 11, Chapman et al. does not disclose having an positive match that does not meet or exceed match tolerance level; and a negative match that does meet or exceed tolerance level. However, Brown et al. discloses having a to test to determine a match, and having a weight value that can be greater than zero being pass and less being fail see Column 14 Line 23-32. It would be obvious to one having ordinary skill in the art at the time of the invention to modify having a to test to determine a match, and having a weight value that can be greater than zero being pass and less being fail in Brown et al. to a positive and negative in order to accurately determine whether the match is close see Column 14 Line 43-47.

25. Regarding Claim 20, Chapman et al. fails to disclose comparing similarity result to a first match tolerance level. However, Brown et al. discloses comparing the result to a weights see Column 13 Line 1-4. It would be obvious to one having

ordinary skill in the art at the time of the invention to modify comparing the result to a weight function in Brown et al. to a match tolerance level so as to provide for accurate match and to determine how close is the match see Column 13 Line 21-26.

26. Regarding Claim 21 and Claim 22, Chapman et al. does not disclose match being positive when there is match exceeds tolerance level, and being negative when the match is does not exceed tolerance level. However, Brown et al. discloses the match being "close" when the weight is greater and not "close" when the weight is not greater see Column 13 Line 27-30. It would be obvious to one having ordinary skill in the art at the time of the invention to modify a function of match being "close" when the weight is greater in Brown et al. to a negative match in order to provide for an accurate measurement of closeness see Column 13 Line 21-26.

27. Regarding Claim 23, Chapman et al. does not disclose comparing the result of secondary to a second tolerance match level. However, Brown et al. discloses comparing the results of a secondary review to a second tolerance match level see Column 14 Line 14-17. It would be obvious to one having ordinary skill in the art at the time of the invention to include comparing the results of a secondary review to a second tolerance match level in order to further increase the likelihood of an match see Column 14 Line 17-21.

28. Regarding Claim 30, Chapman discloses the similarity searching of new user against an suspended user database and further allowing and denying access see Col 5 Line 30-49 & Col. 57-64. Chapman et al. does not disclose having an match score for the similarity result and comparing the match score against an predetermined match score. However, Brown et al. disclose having an match score for the similarity result see Column 3 Line 66- Column 4 Line 7 and Brown et al. also disclose comparing the match score against an predetermined tolerance level see Column 14 Line 49-51 . It would be obvious to one having ordinary skill in the art at the time of the invention to include a match score for the similarity result and comparing the match score against an predetermined match score of Brown's in the granting and denying of access to a computer system of Chapman in order to get precise match for the closest match records see Column 4 Line 27-30.

29. Regarding Claim 31, The confirming of similarity with a match score is not disclosed by Chapman. However, Brown discloses the confirming of similarity score see Col. 13 Line 49-59. It would be obvious to one with ordinary skill in the art at the time of the invention to include the similarity match score of Brown in Chapman's allowing and denying of access based on match in order to determine the likelihood of an match as taught in Brown see Col. 13 Line 55-59.

30. Claim 13 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al. U.S. Patent No. 5774650) in view of U.S. Patent No. 6629092 B1 to Berke.

31. Regarding Claim 13, Chapman et al. does not disclose new-user attribute received from Internet web site, data entry systems and databases. However, Berke discloses the receiving of attribute through web-sites, data entry and databases see Column 4 Line 58-Column 5 Line 2 & Column 5 Line 52-58. It would be obvious to one having ordinary skill in the art at the time of the invention to include the receiving of attribute through web-sites, data entry and databases in order for it to be adaptable to conventional devices see Column 5 Line 4-11.

32. Regarding Claim 24, Chapman et al. does not disclose new-user attribute received from Internet web site, data entry systems and databases. However, Berke discloses the receiving of attribute through web-sites, data entry and databases see Column 4 Line 58-Column 5 Line 2 & Column 5 Line 52-58. It would be obvious to one having ordinary skill in the art at the time of the invention to include the receiving of attribute through web-sites, data entry and databases in order for it to be adaptable to conventional devices see Column 5 Line 4-11.

Conclusion

33. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

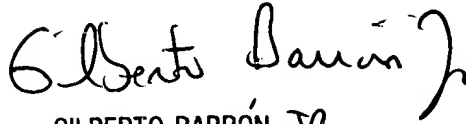
34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197
(toll-free).

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6/13/2005


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